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In The
Supreme Court of the United States

JENNIFER GRATZ AND PATRICK HAMACHER,
Petitioners,

v.

LEE BOLLINGER, et al.,
Respondents.

On Writ Of Certiorari Before Judgment To The
United States Court of Appeals For The Sixth Circuit

BRIEF OF THE AMERICAN EDUCATIONAL RESEARCH ASSOCIATION, THE ASSOCIATION OF AMERICAN COLLEGES AND UNIVERSITIES, AND THE AMERICAN ASSOCIATION FOR HIGHER EDUCATION AS *AMICI CURIAE* IN SUPPORT OF RESPONDENTS

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INTEREST OF *AMICI CURIAE*

Pursuant to Supreme Court Rule 37, the American Educational Research Association, the Association of American Colleges and Universities, and the American Association for Higher Education submit this brief as *amici curiae* in support of Respondents.[1]

Amici curiae are among the nation's leading associations and institutions committed to improving the quality of higher education in the United States through scholarly inquiry, the exchange and dissemination of information, institutional reform, and public policy development. Collectively, the membership of *amici curiae* includes educational institutions, organizations, and individuals, ranging from major research universities, liberal arts colleges, and community colleges to educators, researchers, university officials, students, and social scientists in disciplines that include education, psychology, sociology, statistics, economics, anthropology, and political science. Individual statements of interest are contained in Appendix A of this brief.

This Court has often employed relevant research studies in its equal protection decisions involving race,[2] and, in determining whether the promotion of educational diversity in higher education is a compelling governmental interest, the Court's decision can and should be informed by credible and reliable research findings. *Amici curiae* have a deep-seated interest in the accurate presentation of relevant research findings addressing the educa-

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[1] All parties have filed with the Court their written consent to the filing of all amicus curiae briefs in this case. Pursuant to Supreme Court Rule 37.6, counsel for *amici curiae* certifies that this brief was not written in whole or in part by counsel for any party, and that no person or entity other than *amici curiae*, their members, or their counsel has made a monetary contribution to the preparation or submission of this brief.

[2] *See, e.g., Brown v. Board of Educ.*, 347 U.S. 483, 494 n.11 (1954).

tional benefits of student body diversity in higher education. Much of this research has been generated in only the past few years, but the consistency of the findings in demonstrating the educational benefits of diversity is impressive. *Amici curiae* are also concerned about the possible misapplication of research evidence in this litigation, including potentially misleading analyses offered at both the trial court and appellate levels. Accordingly, *amici curiae* provide highlights and citations to relevant research findings in this brief to help clarify the Court's review of the literature.

In addition, research findings bear directly on the question of whether the University of Michigan's admissions policies have been narrowly tailored to advance its compelling interest in promoting educational diversity. Recent studies evaluating the effectiveness of race-neutral admissions policies are highly relevant to the Court's determination of whether the University's race-conscious admissions policies have satisfied the narrow tailoring requirement.

The interrelated arguments of *amici curiae* are contained in this brief and in their brief in the companion case of *Grutter v. Bollinger* (02-241), and *amici curiae* respectfully request that the briefs be reviewed complementarily.

SUMMARY OF ARGUMENT

Consistent with Justice Powell's controlling opinion in *Regents of the University of California v. Bakke*, the district court below correctly ruled that, as a matter of law, promoting diversity in higher education is a compelling governmental interest. This holding is supported both by research evidence introduced in the district court and by a large and growing body of research literature that demonstrates the positive benefits of educational diversity for all students—minority and non-minority alike. Research evidence in the record was

unchallenged by Petitioners, who conceded the value of educational diversity at the summary judgment stage. The research evidence presented by Respondents, including an expert report documenting the positive effects of student diversity, is substantial, and the trial court's findings of fact should be left undisturbed.

Research studies show that student body diversity can promote learning outcomes, democratic values and civic engagement, and preparation for a diverse society and workforce—goals that fall squarely within the basic mission of most universities. Several studies demonstrate that student body diversity broadens the range of intellectual opinions on university campuses and improves classroom learning environments, that diverse learning environments promote thinking skills, and that cross-racial interaction has positive effects on retention, college satisfaction, self-confidence, interpersonal skills, and leadership. Diverse learning environments challenge students to consider alternative viewpoints and to develop tolerance for differences, and can promote participation in civic activities. Studies further show that student diversity better prepares students for an increasingly diverse workforce and society.

The University of Michigan's undergraduate admissions policies are narrowly tailored to advance the compelling interest in promoting educational diversity. The policies employ race flexibly as one of several factors in determining admissions decisions, and they do not unnecessarily burden non-minority applicants by preventing them from competing with minority applicants. Evidence introduced in the district court and recent research studies indicate that race-neutral alternatives, including "percent plans" employed at a number of state universities, are less effective than race-conscious policies in promoting diversity, and would be much less effective in the University of Michigan's circumstances.

ARGUMENT

I. RESEARCH EVIDENCE IN THE RECORD SUPPORTS THE COMPELLING INTEREST IN PROMOTING EDUCATIONAL DIVERSITY.

Consistent with Justice Powell's controlling opinion in *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978), the district court below correctly ruled that the promotion of educational diversity is a compelling governmental interest. In doing so, the district court found "solid evidence regarding the educational benefits that flow from a racially and ethnically diverse student body." *Gratz v. Bollinger*, 122 F. Supp. 2d 811, 822 (E.D. Mich. 2000). Within this body of evidence is the expert's report produced by Professor Patricia Y. Gurin, who analyzed three sources of data—multi-institutional national data, the results of an extensive survey of students at the University of Michigan, and data drawn from a specific classroom program at the University of Michigan. Professor Gurin's study, which carefully controlled for factors other than diversity and employed measures that have been tested and validated extensively in the field, yielded statistically significant and consistent results showing that "[s]tudents who experienced the most racial and ethnic diversity in classroom settings and in informal interactions with peers showed the greatest engagement in active thinking processes, growth in intellectual engagement and motivation, and growth in intellectual and academic skills." Expert Report of Patricia Y. Gurin, *Gratz v. Bollinger*, No. 97-75231 (E.D. Mich.) & *Grutter v. Bollinger*, No. 97-75928 (E.D. Mich.), *in* THE COMPELLING NEED FOR DIVERSITY IN HIGHER EDUCATION 99, 100 (1999) [hereinafter Gurin Report].

As *amici curiae* American Educational Research Association, et al., document in their complementary brief in *Grutter v. Bollinger*, the Gurin Report is a conceptually and methodologically sound research study which

demonstrates that student diversity promotes positive educational outcomes. *See* Brief of the American Educational Research Association, et al., as *Amici Curiae* in Support of Respondents, *Grutter v. Bollinger* (No. 02-241). Nevertheless, Petitioners and various *amici curiae* have introduced critiques of the Gurin Report through briefs submitted to this Court and the courts below. *See* Brief for *Amicus Curiae* National Association of Scholars in Support of Petitioners, *Gratz v. Bollinger* (No. 02-516), at 6-29; Brief *Amici Curiae* of the Center For Equal Opportunity, the Independent Women's Forum, and the American Civil Rights Institute in Support Of Petitioner, *Gratz v. Bollinger & Grutter v. Bollinger*, at 21-22.

The substantive criticisms of *amici curiae* for Petitioners are addressed in the *amici curiae* brief of the American Educational Research Association, et al., in *Grutter v. Bollinger*. On procedural grounds alone, however, this Court should reject consideration of these critiques. Petitioners should not be allowed to use *amici curiae* to supplement the record in the trial court after they have conceded the absence of a factual dispute in their arguments for summary judgment. Petitioners "presented no argument or evidence rebutting the University['s] assertion that a racially and ethnically diverse student body gives rise to educational benefits for both minority and non-minority students." *Gratz*, 122 F. Supp. 2d at 823. Petitioners had ample opportunity through discovery, cross-examination, and rebuttal to challenge the Gurin Report, but ultimately conceded in oral argument for summary judgment that "diversity is 'good, important, and valuable.'" *Id.*

While it is appropriate for this Court to examine research findings as part of its legislative fact finding to settle a question of law, it is wholly inappropriate to allow Petitioners or their *amici curiae* to undermine summary judgment by attempting to create new issues of fact. The district court plays an essential role as the "gatekeeper" of

expert testimony and scientific evidence such as the Gurin Report, *see Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579, 597 (1993), and introducing new evidence to rebut the Gurin Report on appeal undermines the district court's fact-finding prerogative. Moreover, allowing an *amicus curiae* to raise these issues rather than the parties themselves casts the *amicus* into an entirely inappropriate role. As it has in previous cases, this Court should reject the introduction of new arguments by *amici curiae* that were not raised by the parties in the court below. *See, e.g., Dep't of Taxation & Finance v. Milhelm Attea & Bros., Inc.*, 512 U.S. 61, 76 n.1 (1994); *United Parcel Serv., Inc. v. Mitchell*, 451 U.S. 56, 61 n.2 (1981); *Bell v. Wolfish*, 441 U.S. 520, 531 n.13 (1979).

II. RESEARCH STUDIES SUPPORT THE COMPELLING INTEREST IN PROMOTING EDUCATIONAL DIVERSITY.

The district court's holding is further supported by a large and growing body of research demonstrating that diversity can promote positive learning outcomes, democratic values and civic engagement, and preparation for a diverse society and workforce—goals that fall squarely within the University's basic mission. Most of the research in this area has been generated only in the past few years, but the consistency of findings across several types of studies, including surveys, longitudinal studies, and experiments, strongly supports the conclusion that promoting educational diversity is a compelling governmental interest. Several of the leading studies are discussed below, and many more are contained in recently published compilations and research summaries focusing on educational diversity in higher education. *See* DIVERSITY CHALLENGED: EVIDENCE ON THE IMPACT OF AFFIRMATIVE ACTION (Gary Orfield with Michal Kurlaender eds. 2001); COMPELLING INTEREST: EXAMINING THE EVIDENCE ON RACIAL DYNAMICS IN HIGHER EDUCATION (Mitchell Chang, et al. eds., forthcoming

2003); Jeffrey F. Milem & Kenji Hakuta, *The Benefits of Racial and Ethnic Diversity in Higher Education*, *in* MINORITIES IN HIGHER EDUCATION: SEVENTEENTH ANNUAL STATUS REPORT 39 (Deborah J. Wilds ed. 2000); SYLVIA HURTADO, ET AL., ENACTING DIVERSE LEARNING ENVIRONMENTS: IMPROVING THE CLIMATE FOR RACIAL/ETHNIC DIVERSITY IN HIGHER EDUCATION (1999).

A. Student Body Diversity Improves Educational Outcomes.

Recent studies demonstrate that student body diversity can produce a wide variety of positive educational outcomes, including a greater variety of intellectual opinions among students, richer classroom environments, improved thinking ability, higher self-confidence, and improved interpersonal and leadership skills.

1. Student Body Diversity Improves Classroom Learning Environments.

Studies show that a racially and ethnically diverse student body improves classroom learning environments by providing students the opportunity to share a broader set of opinions, perspectives, and experiences. One recent study, for example, drew on a national sample of nearly 290,000 freshmen at 572 colleges and universities and examined whether campuses with higher proportions of underrepresented racial minority students (excluding schools such as tribal colleges and historically black colleges and universities with majority-minority enrollments) have a broader collection of student viewpoints. Mitchell J. Chang, et al., *Diversity of Opinions Among Entering College Students: Does Race Matter?* (Oct. 2002) (paper presented at the National Academy of Education Annual Meeting, Toronto, Canada), *available at* http://www.gseis.ucla.edu/faculty/chang/viewpoints.pdf. Specifically, the study examined students' viewpoints regarding racial inequity and the treatment of criminals—topics chosen because of their likelihood of

being raised in classroom discussions. Researchers found that increased proportions of underrepresented minorities led to a greater variety of opinions, with the effect seen across both public and private institutions and in controlling for factors such as school selectivity and size, parents' educational level, hours of work, participation in extracurricular activities, and geographic diversity.

Surveys of students from the law schools at Harvard University and the University of Michigan, as well as from the medical schools at Harvard and the University of California, San Francisco, show that student body diversity has strong positive effects on the classroom environment, with no statistically significant differences across racial groups. *See* Gary Orfield & Dean Whitla, *Diversity and Legal Education: Student Experiences in Leading Law Schools, in* DIVERSITY CHALLENGED: EVIDENCE ON THE IMPACT OF AFFIRMATIVE ACTION 143 (Gary Orfield with Michal Kurlaender eds. 2001) [hereinafter Orfield & Whitla Law School Study]; Dean K. Whitla, et al., *Educational Benefits of Diversity in Medical School: A Survey of Students,* 78 ACAD. MED. (forthcoming 2003) (manuscript on file with authors and with The Civil Rights Project, Harvard University) [hereinafter Whitla, et al., Medical School Study].

In the Orfield and Whitla law school study, the Gallup Organization surveyed 1,820 law students to determine the effects of student body diversity on learning and other educational outcomes. When asked how diversity had affected the way in which they reflected upon problems and solutions in class, 68% of the Harvard students and 73% of the Michigan students responded that diversity had affected discussions positively. Orfield & Whitla Law School Study, *supra,* at 158. Sixty-three percent of the Harvard students and 66% of the Michigan students reported that racial diversity enhanced the manner in which topics were discussed in the majority of their classes. *Id.* at 160. In addition, almost two-thirds of

the law students reported "that most of their classes were better because of diversity." *Id.* at 159. When the law students were asked to compare their homogeneous classes to their diverse classes in three categories—(1) the range of discussion, (2) the level of intellectual challenge, and (3) the seriousness with which alternative views were considered—42% of the students found the diverse classes to be superior in all three respects while only 3% believed the homogeneous classes were superior. *Id.* at 166-67.

The survey of 639 medical students at Harvard University and the University of California, San Francisco yielded similar results. Ninety-four percent of students indicated that a diverse student body was a positive element of their educational experience. Whitla, et al., Medical School Study, *supra* (manuscript at 11). Eighty-four percent of students thought that diversity enhanced classroom discussion, while only 3% thought it detracted from discussion. *Id.* (manuscript at 10). Eighty-six percent of students thought that classroom diversity was more likely to foster serious discussions of alternative viewpoints. *Id.*

Surveys of faculty members also indicate that greater student body diversity leads to improved classroom learning. For example, a nationwide survey of faculty at major research universities found that a high percentage of respondents agreed that classroom diversity broadened the range of perspectives shared in classes; specifically, more than two-thirds of respondents indicated that students benefit from learning in a racially and ethnically diverse environment with respect to exposure to new perspectives and willingness to examine their own personal perspectives. Geoffrey Maruyama & José F. Moreno, *University Faculty Views About the Value of Diversity on Campus and in the Classroom, in* AMERICAN COUNCIL ON EDUCATION & AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, DOES DIVERSITY MAKE A DIFFERENCE? THREE RESEARCH STUDIES ON DIVERSITY IN

COLLEGE CLASSROOMS 9, 14-16 (2000). In a study of the faculty at Macalester College, a liberal arts college in St. Paul, Minnesota, 91% of the faculty agreed that "racial-ethnic diversity in the classroom 'allows for a broader variety of experiences to be shared.'" Roxanne Harvey Gudeman, *Faculty Experience with Diversity: A Case Study of Macalester College, in* DIVERSITY CHALLENGED: EVIDENCE ON THE IMPACT OF AFFIRMATIVE ACTION 251, 258 (Gary Orfield with Michal Kurlaender eds. 2001). Eighty percent of the faculty felt that minority students typically raise issues not normally raised by non-minority students, and 75% of faculty agreed that racial and ethnic issues are discussed more substantively in diverse classroom environments. *Id.*

2. Diverse Learning Environments Promote Thinking Skills.

Research also indicates that students learn more and think more actively when educated in a racially and ethnically diverse learning environment. In her report to the district court below, Professor Gurin states: "Students learn more and think in deeper, more complex ways in a diverse educational environment." Gurin Report, *supra*, at 118. Professor Gurin goes on to show that a diverse educational environment, a curriculum which addresses racial issues, and engagement with peers from diverse backgrounds will result in "a learning environment that fosters conscious, effortful, deep thinking" as opposed to automatic, preconditioned responses. *Id.* at 105; *see also* George D. Kuh, *What We're Learning About Student Engagement from NSSE,* CHANGE (forthcoming Mar.-Apr. 2003), at 30-31 (data drawn from surveys of 285,000 students show that students are more likely to be involved in active and collaborative learning with more exposure to diversity); Gudeman, *supra*, at 271 (non-minority students tend to read course materials more critically when part of a diverse classroom); Maruyama & Moreno, *supra*, at 16 (substantial numbers in faculty survey agree that

diversity is important for developing thinking skills); José F. Moreno, Affirmative Actions: The Educational Influence of Racial/Ethnic Diversity on Law School Faculty 92 (2000) (unpublished Ed.D. dissertation, Harvard University) (law school faculty members report that diversity helps students develop thinking skills). As one researcher indicates, a higher level of thinking can be attributed to the range of ideas and perspectives that diverse students bring to a discussion, which, in turn, "challenge students' stereotypes, broaden their perspectives, and stimulate critical thinking." Patricia Marin, *The Educational Possibility of Multi-Racial/Multi-Ethnic College Classrooms, in* AMERICAN COUNCIL ON EDUCATION & AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, DOES DIVERSITY MAKE A DIFFERENCE? THREE RESEARCH STUDIES ON DIVERSITY IN COLLEGE CLASSROOMS 61, 69 (2000).

Studies using research methods involving controlled laboratory experiments with random assignments underscore these basic propositions; experiments are especially powerful because they provide strong evidence of causation. One recent study employed social psychological techniques to measure the degree of complex thinking that resulted from a diverse group interaction, and found positive effects due to the racial composition of the group. Anthony Lising Antonio, et al., *Effects of Racial Diversity on Complex Thinking in College Students* (2003), *available at* http://siher.stanford.edu. For instance, for participants who reported less racially diverse social contacts in their everyday lives, the exposure to racial diversity in the group discussion resulted in more complex thinking, as measured through pre- and post-discussion essays. *Id.* at 10.

Another line of research shows that studying with peers from diverse backgrounds will have a more pronounced effect on self-reported growth in thinking and problem-solving skills, even more than a curriculum that emphasizes diverse perspectives. Sylvia Hurtado, *Linking*

Diversity and Educational Purpose: How Diversity Impacts the Classroom Environment and Student Development, in DIVERSITY CHALLENGED: EVIDENCE ON THE IMPACT OF AFFIRMATIVE ACTION 187, 198 (Gary Orfield with Michal Kurlaender eds. 2001) [hereinafter Hurtado, Linking Diversity and Educational Purpose]. Drawing on longitudinal data from a nationwide sample of over 4,200 students, this research indicates that the curriculum cannot replace or replicate the positive effects that student diversity will have on students' thinking skills.

3. Cross-Racial Interaction Has Positive Effects on Retention, College Satisfaction, Self-Confidence, and Interpersonal and Leadership Skills.

Research also shows that socializing across racial lines and engaging in discussions about race with diverse peers has positive effects on a variety of educational outcomes that go beyond cognitive abilities and skills. For example, relying on a national longitudinal database containing data from student surveys, one researcher found that increased diversity in the student body had a positive effect on the individual student's likelihood of both socializing with someone of a different racial group and discussing racial issues, which in turn were shown to have significant positive effects on students' intellectual and social self-concept, college satisfaction, and chances of graduating in four years. Mitchell J. Chang, *Does Racial Diversity Matter?: The Educational Impact of a Racially Diverse Undergraduate Population*, 40 J. COLLEGE STUDENT DEV. 391 (1999); *see also* Kuh, *supra*, at 30-31 (data drawn from nationwide surveys of 285,000 students show that students are more likely to be satisfied with college experience with more exposure to diversity); Alexander W. Astin, *Diversity and Multiculturalism on the Campus: How Are Students Affected?* CHANGE, Mar.-Apr. 1993, at 44, 47 (socializing across racial lines has positive effects on students' academic achievement).

Related research has found that interaction among diverse students leads to improved interpersonal skills and leadership skills. Anthony Lising Antonio, *The Role of Interracial Interaction in the Development of Leadership Skills and Cultural Knowledge and Understanding*, 42 RES. HIGHER EDUC. 593 (2001); *see also* Maruyama & Moreno, *supra*, at 15-16 (substantial numbers in faculty survey agree that diversity is important for developing leadership skills).

B. Student Body Diversity Promotes Democratic Values and Increased Civic Engagement.

1. Diverse Learning Environments Challenge Students to Consider Alternative Viewpoints and Develop Tolerance for Differences.

Recent studies demonstrate that diverse learning environments allow students to encounter and consider different perspectives, ultimately leading to a deeper understanding, respect, and tolerance for individual differences. The Gurin Report, for example, indicates that students with the most experience with diversity on their campuses were "most likely to acknowledge that group differences are compatible with the interests of the broader community." Gurin Report, *supra*, at 101. Gurin further found that the students at the University of Michigan who interacted with diverse peers had "[a]n increased sense of commonality with other ethnic groups," and that these students also exhibited a "growth in mutuality or enjoyment in learning about both one's own background and the backgrounds of others, more positive views of conflict, and the perception that diversity is not inevitably divisive in our society." *Id.* at 127.

Studies have found that socializing across racial lines has positive effects on students' cultural awareness and commitment to racial understanding. A study of undergraduates enrolled in the early 1990s found that studying with someone from a different racial or ethnic

background resulted in a positive growth in civic outcomes such as "the acceptance of people of different races/cultures, cultural awareness, tolerance of people with different beliefs, and leadership abilities." Hurtado, Linking Diversity and Educational Purpose, *supra*, at 198. Specific research on friendship groups developed among students on campuses with diverse student bodies reinforces the notion that diversity can provide students with the opportunity to develop close friendships with individuals of different races and ethnicities. These interracial friendships consequently become the norm for more general interracial interaction, thus promoting greater racial understanding and awareness. Anthony Lising Antonio, *Diversity and the Influence of Friendship Groups in College*, 25 REV. HIGHER EDUC. 63 (2001).

A recent study, relying on methods that parallel controlled laboratory experiments, compared the attitudes of white students who had been randomly assigned minority roommates with the attitudes of white students who had been randomly assigned white roommates at a public university and found significant effects resulting from the differences in roommates. Greg J. Duncan, et al., *Empathy or Antipathy? The Consequences of Racially and Socially Diverse Peers on Attitudes and Behaviors*, *available at* http://www.jcpr.org/wp/WPprofile.cfm?ID=384. For instance, students with minority roommates in the first year of college were more likely to express positive attitudes regarding affirmative action policies than their counterparts with white roommates. *Id.* at 10, 12. Students with minority roommates were also more likely to report greater comfort and personal contact with members of other racial and ethnic groups. *Id.* at 11.

Research also indicates that when confronted with new ideas and perspectives in diverse learning environments, students' views and values can be altered. When law students in the Orfield and Whitla study were asked whether conflicts due to racial differences challenged

them to rethink their values, most students responded affirmatively. Orfield & Whitla Law School Study, *supra*, at 162. Sixty-eight percent of the Harvard law students and 75% of the University of Michigan law students answered that such conflicts either enhanced or moderately enhanced a rethinking of their values. *Id.* In addition, 52% of the Harvard students and 60% of the Michigan students reported that conflicts due to racial differences "ultimately [became] positive learning experiences." *Id.* at 163. The Whitla, et al., medical school survey yielded similar findings. Seventy-seven percent of medical students found that they felt challenged to rethink their values when racial conflicts occurred, and 68% thought such occurrences were learning experiences. Whitla, et al., Medical School Study, *supra* (manuscript at 11).

2. Diverse Learning Environments Promote Participation in Civic Activities.

Studies also indicate that students who are educated in a diverse environment are more likely to participate in civic activities. Results from the Gurin Report "strongly support the central role of higher education in helping students to become active citizens and participants in a pluralistic democracy." Gurin Report, *supra*, at 126. Professor Gurin concluded that "[s]tudents educated in diverse settings are more motivated and better able to participate in an increasingly heterogeneous and complex democracy," and that they "showed the most engagement during college in various forms of citizenship." *Id.* at 101.

Researchers found similar results when they conducted a longitudinal study of students graduating from selective colleges and universities that had used affirmative action in their admissions practices. *See* WILLIAM G. BOWEN & DEREK BOK, THE SHAPE OF THE RIVER: LONG-TERM CONSEQUENCES OF CONSIDERING RACE IN COLLEGE AND UNIVERSITY ADMISSIONS vi (1998). Drawing from records of more than 80,000 students who matriculated at twenty-eight selective colleges and uni-

versities in 1951, 1976, and 1989, the Bowen and Bok study found that the 1976 cohort participated in civic activities in very large numbers: in 1995, nearly 90 percent of the cohort participated in one or more civic activity, a figure that exceeded the participation rate for a control group composed of individuals in the same age range. *Id.* at 156. Bowen and Bok also documented the propensity of students who attended colleges with diverse student bodies to engage in political activity after graduating from college. The study found, for instance, that 93% of the 1976 cohort voted in the 1992 presidential election, a figure that exceeded the control group figure. *Id.* at 174.

C. Student Body Diversity Prepares Students for a Diverse Society and Workforce.

Studies further show that the benefits of diverse learning environments better prepare students for an increasingly diverse society and workforce. Work-related skills are especially important, since, as one study states, "[t]o be competitive, in terms of entry-level employment as well as advancement into positions of responsibility and leadership, students must acquire the understandings and the skills necessary for working productively and harmoniously with fellow workers and citizens who bring widely differing backgrounds and experiences to the workplace and to their communities." Jack Meacham, et al., *Student Diversity in Classes and Educational Outcomes: Student and Faculty Perceptions* 20 (1999) (paper presented at American Council on Education's Symposium on Diversity and Affirmative Action).

One of the Gurin Report's basic conclusions was that students in diverse learning environments "were comfortable and prepared to live and work in a diverse society." Gurin Report, *supra,* at 127. Professor Gurin found that students who attended diverse classes reported feeling the most prepared for graduate school. *Id.* at 133. In addition, Professor Gurin found that diverse

experiences during college positively affected the extent to which white graduates in the national study were living racially or ethnically integrated lives in the post-college world. Students who had taken the most diversity courses and who had interacted the most with diverse peers during college had the most cross-racial interactions five years after leaving college. *Id.*

The students in the Orfield and Whitla law school study reported that diversity had affected their "ability to work more effectively and/or get along better with members of other races." Orfield & Whitla Law School Study, *supra,* at 159. Sixty-eight percent of the Harvard law students responded that diversity either "clearly enhanced" or produced a "moderate enhancement" in their ability to work and get along with members of other races. *Id.* Forty-eight percent of the Michigan law students perceived a clear, positive impact on their ability to work and get along with members of diverse backgrounds. *Id.* at 63. Seventy-six percent of students in the Whitla, et al., medical school survey felt that a diverse student body helped them work more effectively with those of diverse racial backgrounds, and 77% indicated that a greater understanding of medical conditions and treatments was more likely when a student body was diverse. Whitla, et al., Medical School Study, *supra* (manuscript at 10).

Students in the Bowen and Bok study were asked what difference their college experience made in "developing [their] ability to work with, and get along with, people of different races and cultures." BOWEN & BOK, *supra,* at 225. Forty-six percent of the white respondents in the 1976 cohort "believe[d] that their undergraduate experience was of considerable value in this regard," and 18 percent assigned the highest rating, saying it helped "a great deal." *Id.* Fifty-seven percent of black respondents in the 1976 cohort "gave college credit for helping them develop these 'getting along' skills." *Id.* Respondents in the 1989 cohort reported even larger

positive effects: 63% of whites and 70% of blacks attributed their ability to work with and get along with people of different races and cultures to their college experiences. *Id.*

A related study found that students credited their improved job-related skills primarily to their ability to study frequently with diverse peers. *See* Hurtado, Linking Diversity and Educational Purpose, *supra,* at 198. Students reported "growth of important skills related to a diverse work force, including their ability to work cooperatively with others." *Id.* The study concluded that interacting with diverse peers "has the substantial positive effect of the development of skills needed to function in an increasingly diverse society. . . ." *Id.* at 199.

D. Diverse Learning Environments in K-12 Educational Settings Provide Comparable Educational Benefits.

Studies of racially integrated learning environments in the K-12 educational system underscore the findings of studies showing the positive benefits of diversity in higher education. Findings in this area are relevant not only because of the parallels between the systems, but because research shows that students' *sustained* exposure to integrated learning environments leads to greater racial interaction as adults. *See, e.g.,* Janet Ward Schofield, *Maximizing the Benefits of Student Diversity: Lessons from School Desegregation Research, in* DIVERSITY CHALLENGED: EVIDENCE ON THE IMPACT OF AFFIRMATIVE ACTION 99 (Gary Orfield with Michal Kurlaender eds. 2001); Amy Stuart Wells & Robert L. Crain, *Perpetuation Theory and the Long-Term Effects of School Desegregation,* 64 REV. EDUC. RES. 531 (1994).

Studies show that minority students who attend more integrated schools have increased academic achievement and higher test scores. *See* Robert L. Crain & Rita E. Mahard, *The Effect of Research Methodology on*

Desegregation Achievement Studies: A Meta-Analysis, 88 AM. J. SOC. 839 (1983); Robert L. Crain, *School Integration and the Academic Achievement of Negroes,* 44 SOC. EDUC. 1 (1971). Studies also find that desegregated experiences for African American students will lead to increased interaction with members of other racial groups in later years. *See, e.g.,* Wells & Crain, *supra* (review of twenty-one studies applying "perpetuation theory" that minority students exposed to sustained desegregated experience will lead more integrated lives as adults).

Recent surveys on the attitudes of high school students toward their peers of other racial groups indicate that students of all racial and ethnic groups who attend more diverse schools have higher comfort levels with members from racial groups other than their own, have an increased sense of civic engagement, and have a greater desire to live and work in multiracial settings. *See* Michal Kurlaender & John T. Yun, *Is Diversity a Compelling Educational Interest?: Evidence from Louisville, in* DIVERSITY CHALLENGED: EVIDENCE ON THE IMPACT OF AFFIRMATIVE ACTION 111 (Gary Orfield with Michal Kurlaender eds. 2001) [hereinafter Kurlaender & Yun, Louisville Survey]; Michal Kurlaender & John T. Yun, *The Impact of Racial and Ethnic Diversity on Educational Outcomes: Cambridge, MA School District, available at* http://www.civilrightsproject.harvard.edu/research/diversity/cambridge_diversity.php#fullreport [hereinafter Kurlaender & Yun, Cambridge Survey].

For example, in the survey of students in the Jefferson County School District in Louisville, Kentucky, which is one of the nation's most racially integrated school districts because of court-ordered desegregation, 85% of students reported that they were prepared to work in a diverse job setting and would be prepared to do so in the future, while over 80% of African American students and white students reported that their school experience had helped them to work more effectively with and get along

with members of other races and ethnic groups. Kurlaender & Yun, Louisville Survey, *supra*, at 130. Over 90% of high school students surveyed in Cambridge, Massachusetts, a demographically diverse city with a single public high school, reported that they were prepared to live and work among people of diverse racial and ethnic backgrounds, while 84% percent of both African American students and white students said their school experiences had helped them better understand members from different racial and ethnic groups. Kurlaender & Yun, Cambridge Survey, *supra*, at 6-8.

In sum, the research literature documenting the positive effects of diversity is extensive. Studies that range from national surveys to laboratory experiments demonstrate that diversity leads to positive educational outcomes, promotes democratic values and civic participation, and better prepares students for an increasingly diverse society—all of which advance the University's basic mission. These findings strongly support the proposition that promoting diversity in higher education is a compelling governmental interest.

III. THE UNIVERSITY OF MICHIGAN'S ADMISSIONS POLICIES ARE NARROWLY TAILORED TO PROMOTE EDUCATIONAL DIVERSITY.

A. The University's Admissions Policies Employ Race Modestly and Flexibly and Do Not Overburden Non-Minority Applicants.

The district court correctly held that the University of Michigan's current admission policies adhere to the narrow tailoring principles articulated in *Bakke*. *See* 438 U.S. at 317-18. The University is not operating a rigid quota-style admissions program, nor is it utilizing a minority set-aside. Instead, consistent with *Bakke*, every applicant to the undergraduate program is competing for every seat in the class. Race is used as a modest "plus" factor along with a wide and flexible range of admissions criteria, including grades, test scores, quality and composition of high school, socioeconomic status, geographic location and residency, alumni relationships, personal achievement, leadership ability, and personal essays.

The University's policies also satisfy elements of narrow tailoring that are applied in remedial affirmative action cases but are relevant to non-remedial university admissions. *See United States v. Paradise*, 480 U.S. 149 (1987) (applying multi-pronged test examining necessity of relief and efficacy of alternatives, flexibility and duration of relief, relationship of numerical goals to the relevant market, and impact on third parties).[3] The policies are flexible, allowing race to be considered as one of several factors in admissions, and they impose minimal burdens on third parties.

As the Court noted in *Wygant*, the burden imposed on university applicants is highly diffused, representing at worst a denial of an opportunity regained through attendance at another institution. 476 U.S. at 283 & n.11. Moreover, it is a fallacy to suggest that non-minority applicants are burdened significantly because of the benefits gained by minority applicants through a race-conscious admissions policy. *See* Goodwin Liu, *The Causation Fallacy: Bakke and the Basic Arithmetic of Selective Admissions*, 100 MICH. L. REV. 1045 (2002). Because of the wide variety of factors that can be considered in a selective admissions process, no individual can be assured of admission, regardless of whether a policy is race-conscious or race-neutral. In addition, differences in the *average* likelihood of admissions for minority students versus non-

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[3] As the district court below noted, a University's interest in diversity is ongoing, even though a policy to advance that interest will have limits on duration. *Gratz*, 122 F. Supp. 2d at 824. Because the University is not trying to rectify its own past discrimination, it need not adopt numerical goals to make up for admissions that would have been expected if there had been no past discrimination. *See Johnson v. Board of Regents*, 263 F.3d 1234, 1252 (11th Cir. 2001).

minority students do not change significantly in moving from a race-conscious to a race-neutral policy.[4] "In any highly selective competition where white applicants greatly outnumber minority applicants, and where multiple objective and nonobjective criteria are relevant, the average white applicant will not fare significantly worse under a selection process that is race-conscious than under a process that is race-neutral." *Id.* at 1078. Under the University of Michigan's policies, the burdens are significantly minimized: although many applicants cannot obtain twenty points for being a member of an underrepresented minority group, they are still eligible to gain twenty points under other criteria, including socioeconomic disadvantage, attending a predominantly minority high school, or, through the Provost's discretion, possessing an attribute or background that can contribute to the diversity of the student body.

B. Race-Neutral Policies are Less Efficacious Than Race-Conscious Policies in Promoting Educational Diversity.

In considering the efficacy of alternatives to the University of Michigan's undergraduate admissions policies under the *Paradise* factors, this Court may choose to consider the availability of race-neutral admissions policies, including policies based on class or socioeconomic status and "percent plans" that guarantee admission to public universities to a fixed percentage of the highest ranking graduates of each high school in a state. Contrary to the contention of Petitioners and their *amici curiae*, research in this area shows that race-neutral policies are considerably less efficacious than race-conscious policies in promoting educational diversity.

[4] Liu, for example, calculates that in 1994, the year of Petitioner Gratz's application to the University, the race-conscious policy increased the average likelihood of rejection for white applicants with similar test scores and grades as Gratz from 61% to 68%. Liu, *supra*, at 1073-74. Thus, most white applicants with comparable test scores and grades would be rejected under either a race-conscious policy or a race-neutral policy.

1. Research Studies Show that Race-Neutral Policies are Not Effective Alternatives to Race-Conscious Policies.

Statistical evidence introduced in the district court below demonstrates that a race-neutral admissions policy would substantially reduce the number of underrepresented minority students in the incoming class of the University of Michigan's College of Literature, Science, and the Arts. *Gratz*, 122 F. Supp. at 830 (citing Supplemental Expert Report of Stephen W. Raudenbush (Feb. 24, 2000) at 4-5; Supplemental Expert Report of Stephen W. Raudenbush (March 3, 1999) at 9-11). As the court below noted, "if race were not taken into account, the probability of acceptance for minority applicants would be cut dramatically, while non-minority students would see only a very small positive effect on their probability of admission . . . ." *Id.* The court also relied on expert evidence to find that a system that rested entirely on standardized test scores would lead to the rejection of many qualified minority applicants, because minorities are significantly underrepresented at the higher test score levels and overrepresented at lower test score levels. *Id.* (citing Expert Report of William G. Bowen, President Emeritus of Princeton University).

Numerous studies underscore the lower court's findings by demonstrating that race-neutral admissions policies—in particular, policies focusing on class or economic disadvantage—are not as effective as race-conscious admissions policies in promoting educational diversity. For instance, one study employing data drawn from a sample of students from over 1,000 public and private high schools compared outcomes from statistical analyses of race-conscious and race-neutral admissions policies and found that the "idea that nonracial criteria could substitute for race-based policies is simply an illusion." Thomas

J. Kane, *Misconceptions in the Debate Over Affirmative Action in College Admissions, in* CHILLING ADMISSIONS: THE AFFIRMATIVE ACTION CRISIS AND THE SEARCH FOR ALTERNATIVES 17, 28 (Gary Orfield & Edward Miller eds., 1998); *see also* Thomas J. Kane, *Racial and Ethnic Preferences in College Admissions, in* THE BLACK-WHITE TEST SCORE GAP 431 (Christopher Jencks & Meredith Phillips eds., 1998) (parallel analyses of race-conscious and race-neutral admissions policies). Comparing class-based policies with race-based policies, the Kane study found that a selective college drawing from the top ten percent of a test score distribution would have to admit *six times* as many students under a class-based policy in order to admit the same number of minority students under a race-based policy. Kane, *Misconceptions, supra* at 24-25. Employing another statistical model, the Kane study found that in order to obtain a comparable level of diversity, a class-based policy would have to assign disadvantages to applicants based on higher income levels and parents' educational level, and would even have to assign a *negative* value to SAT scores for some applicants. *Id.* at 26-27. Results were even more extreme when the statistical model assigned greater weight to test scores and grades. *Id.*

Another study employed a model of the University of California admissions process and actual standardized test scores to examine the effectiveness of admissions policies focusing on disadvantaged background, as measured by factors such as income, parent's education, high school graduation rate, percent of students on free school lunch programs, and school location. Daniel Koretz, et al., *Testing and Diversity in Postsecondary Education: The Case of California,* 10 EDUC. POL'Y ANALYSIS ARCHIVES (2002), *available at* http://epaa.asu.edu/epaa/v10n1. The study found that even the largest effects of these factors did not substantially increase the diversity of the admitted pool of applicants compared to a model that considered only grade point average and test scores—a model in

which racial minorities were already underrepresented relative to a race-conscious policy.

A similar study relied on data from seven public universities in Texas and test score data to examine, among other things, the effectiveness of race-neutral admissions policies based solely on SAT and class rank and the effectiveness of policies that gave preference to various non-racial admissions criteria, including high school location, parents' education, percent of the high school that was economically disadvantaged, percent of the high school that was mobile, and socioeconomic status. Catherine L. Horn, Diversity in a Race-Neutral Setting: An Empirical Analysis of the Potential Effectiveness of Alternative Selection Criteria in Creating Racially/Ethnically Diverse Student Bodies at Texas Public Universities (2001) (unpublished Ph.D. dissertation, Boston College) (on file with author and with The Civil Rights Project, Harvard University). The study found that race-neutral admissions policies relying on test scores and class rank have the greatest effect of reducing African American and Latino representation at the most selective institutions in Texas. The study also found that while consideration of criteria based on economic disadvantage can result in a small boost in minority representation at the most selective institutions, minority representation did not reach the levels that would be expected under a race-conscious admissions policy.

Analyses of undergraduate admissions data from public universities in states that have changed from race-conscious to race-neutral policies because of legal prohibitions on race-conscious measures also show the relative ineffectiveness of race-neutral policies. In Texas, the two most selective institutions—the University of Texas at Austin and Texas Agricultural and Mechanical University (Texas A&M)—have seen declines in the undergraduate admissions of racial minority students after 1996, following the Fifth Circuit's decision in

Hopwood v. Texas, 78 F.3d 932 (5th Cir.), *cert. denied*, 518 U.S. 1033 (1996). *See* Catherine L. Horn & Stella Flores, *Percent Plans in College Admissions: A Comparative Analysis of Three States' Experiences* 38-39 (2003), *available at* http://www.civilrightsproject.harvard.edu . At the University of Texas at Austin, 5% of the admitted undergraduate students in 1996 were African American and 14% were Latino; the following year, only 3% were African American and 13% were Latino. By 2001, African Americans were 3.5% of the admitted classes, and Latinos were 14.7%. *Id.* One study has estimated that at Texas A&M, which does not release its data publicly, an average of 4.7% of the admitted classes between 1992 and 1996 were African American, but only 2.8% of the admitted class in 1998 and only 3.5% of the admitted class in 2001 were African American; for Latinos, the figures are 14.7% for the classes between 1992 and 1996, dropping to only 9.5% in 1998 and rising to only 11.6% in 2001. Marta Tienda, et al., *Closing the Gap?: Admissions and Enrollments at the Texas Public Flagships Before and After Affirmative Action* 49, *available at* http://www.texastop10.princeton.edu. The lack of growth in Latino admittees at both universities is particularly stark because of the growing population of Latinos in Texas that is becoming a larger share of the state's overall population: in 1990, one-third of the 15-to-19-year-old population in Texas was Latino; by 2000, nearly 40% of that age group was Latino. Horn & Flores, *supra*, at 26.

In California, undergraduate admissions at the University of California's most selective institutions, Berkeley and UCLA, saw similar declines following the enactment of Proposition 209, the state ballot initiative prohibiting race-conscious admissions in the state. *See* Horn & Flores, *supra*, at 39-40. At the University of California, Berkeley, 7.3% of the freshman admittees in 1995 were African American and 18.5% were Latino; in 1998, only 3.2% were African American and 8.5% were Latino; by 2001, numbers had increased somewhat, but

only 4.1% were African American and 12.5% were Latino. *Id.* At UCLA, 6.7% of the freshman admittees in 1995 were African American, and 20.1% were Latino; in 1998, only 3.0% were African American, and 10.1% were Latino; in 2001, numbers had increased slightly, but only 3.3% were African American and 12.7% were Latino. Like Texas, California has a large and growing Latino population that is becoming a larger share of the state's overall population: in 1990, 35% of the 15-to-19-year-old population in California was Latino; by 2000, 39% of that age group was Latino. Horn & Flores, *supra*, at 26.

2. "Percent Plans" are Not Effective Alternatives to Race-Conscious Policies.

Petitioners and various *amici curiae*, including the United States and the state of Florida, have proposed that "percent plan" policies adopted in Texas, California, and Florida are effective alternatives to the University of Michigan's race-conscious admissions policies. Although the percent plan policies vary significantly in each state and data are far from complete, recent analyses of these policies make clear that they are far less effective than race-conscious policies in promoting educational diversity. *See* Horn & Flores, *supra;* Tienda, et al., *supra*; Patricia Marin & Edgar K. Lee, *Appearance and Reality in the Sunshine State: The Talented 20 Program in Florida* (2003), *available at* http://www.civilrightsproject.harvard.edu; U.S. Comm'n on Civil Rights, *Beyond Percentage Plans: The Challenge of Equal Opportunity in Higher Education* (2002), *available at* http://www.usccr.gov.

Studies analyzing percent plans in Texas, California, and Florida make clear that even their *potential* applicability as an alternative to a race-conscious admissions policy is limited. As a practical matter, percent plan policies are implemented only at the undergraduate level at large state universities. They cannot be applied to private institutions, small institutions, national institutions, or to graduate and professional school programs. Just as im-

portantly, percent plans rely heavily on significant levels of racial isolation in a state's K-12 educational system in order to draw racial minority students. Horn & Flores, *supra*, 13-19. Texas and Florida, for instance, have long histories of de jure and de facto segregation in their public school systems, and the public school systems for all three states are among the most segregated in the nation. *See* Erica Frankenberg, et al., *A Multiracial Society with Segregated Schools: Are We Losing the Dream?* 50-52 (2003), *available at* http://www.civilrightsproject.harvard.edu. In addition, some percent plan policies appear to be more effective than other percent plan policies only because they are supplemented by race-conscious policies focusing on outreach, recruitment, financial aid, and academic support. Horn & Flores, at 51-58 (showing that recent gains in minority enrollments at the University of Texas at Austin and the University of Florida are linked to race-attentive recruitment, financial aid, and support). An entirely race-neutral percent plan may, in fact, be illusory. And, ultimately, percent plan policies may have only limited practical effect because many of the students admitted under the plans would have likely qualified for admission to the state university system anyway, even if a percent plan were not in place. *Id.* at 42; Marin & Lee, *supra*, at 22-23 (concluding that less than 1% of students admitted in the Florida Talented 20 program needed the percent plan to gain admission to the state system).

Because of the particular mission and circumstances of the University of Michigan and because of the demography of the state of Michigan, a percent plan policy is thus particularly ill-suited as an alternative to the University's current undergraduate admissions policies. The University is not part of a statewide university system; thus, if applications to the University exceed available seats in the entering class, rejected applicants cannot be guaranteed admission to another public university in the state. The University also recruits students from a national and international pool, and

approximately one-third of the student body is from outside the state. In addition, as the current admissions policy already acknowledges, the most underrepresented high schools in Michigan are in rural and predominantly white areas of the state.

Notwithstanding the practical limitations, studies based on statistical modeling and studies based on analyses of recent admissions data indicate that percent plans are inadequate substitutes for race-conscious policies. For instance, in one study employing statistical models focusing on the University of California, researchers concluded that automatically accepting the top 4% of graduates from each high school in the state would not appreciably affect the proportion of African American or Latino students entering the system.[5] Koretz, et al., *supra*, at 25; *see also* Saul Geiser, *Redefining UC's Eligibility Pool to Include a Percentage of Students from Each High School* (1998) (simulation for University of California finding limited changes in minority admissions under 4% plan), *available at* http://www.ucop.edu/sas/research/researchandplanning/welcome.html. A study relying on similar models focusing on Texas found that the impact of a 10% rule on African American and Latino admissions was a marginal increase at one school, the University of Texas at Austin, and no increases at the other state universities. Horn, *supra*, at 159-60. Indeed, the 10% rule often had the effect of decreasing minority admissions in the model; for example, at Angelo State

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[5] Models suggest that in order to have an appreciable effect on minority admissions, the plans must allow a much higher percentage of high school graduates to gain automatic admission. The Koretz, et al., study focusing on the University of California found that an automatic admissions policy for the top 12.5% of graduates of each high school in California could lead to increases in the numbers of admitted minority students, but that lower percentages (4% or 6%) would not have an effect. Koretz, et al., *supra*, at 24-26. Admitting such a high percentage of students in order to see gains in minority enrollment is unworkable, however, because of the limited number of spaces available in the UC system.

University, African American admissions dropped by 4.6% and Latino admissions dropped by 6.7%. *Id.* at 161.

As shown by the admissions data summarized in section III.B.1., *supra*, minority admissions at the most selective institutions in Texas and California remain well below the levels attained through race-conscious admissions policies, even with the introduction of percent plans in those states. More specific analyses of admissions and enrollment data related to percent plans in Texas and California, as well as Florida, indicate that percent plans have had negligible effects on increasing the enrollment of racial minority students. Analyzing census data, applications data, admissions data, and enrollment data from the three states over several years, one leading study concludes: "[T]he gap between the college freshman age population, by race, and the applications, admissions, and enrollments to the states' university systems and to their premier campuses is substantial and has grown even as the states have become more diverse." Horn & Flores, *supra*, at 41. The study further concludes: "[D]ata, albeit scarce in the case of California and Florida, suggest that percent plans have fallen well short of creating the diverse flagship campuses reflective of the states they are intended to serve." *Id.* at 42.

CONCLUSION

For the foregoing reasons, the judgment of the district court upholding the constitutionality of the University of Michigan's undergraduate admissions policies should be affirmed.

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APPENDIX A

STATEMENTS OF INTEREST OF *AMICI CURIAE*

Since its founding in 1916, the *American Educational Research Association (AERA)* has worked to advance science-based knowledge of educational systems and processes. AERA members center their efforts on ensuring that educational research addresses fundamental problems and informs practice and policy that relate to education across the life span and contexts of learning. Researchers in this field address all aspects of education from the processes of teaching and learning, curriculum development, and the social organization of schools to the effects of education on cognitive and social capacity, human development, and health and at-risk behaviors. As the paramount interdisciplinary research society in education, AERA has embraced the role of improving the nation's education research capacity by promoting application of scientific standards, and by providing training programs, research and mentoring fellowships, and seminars on advanced statistical techniques. The work of the Association is greatly enhanced by the ongoing efforts of its 20,000 individual members to produce and disseminate knowledge, refine methods and measures, and stimulate translations and practical applications of research results.

The *Association of American Colleges and Universities (AAC&U)* is the leading national association devoted to advancing and strengthening liberal learning for all students, regardless of academic specialization or intended career. Since its founding in 1915, AAC&U's membership has grown to more than 800 accredited public and private colleges and universities of every type and size. AAC&U functions as a catalyst and facilitator, forging links among presidents, administrators, and faculty members who are engaged in institutional and curricular

planning. Its mission is to reinforce the collective commitment to liberal education at both the national and local levels and to help individual institutions keep the quality of student learning at the core of their work as they evolve to meet new economic and social challenges.

The *American Association for Higher Education (AAHE)* is a national organization of individuals dedicated to the common cause of improving the quality of higher education. Since 1879, under the auspices of the National Education Association, AAHE has sponsored an annual conference on the state of higher education in America. As a diverse group of individuals, its over 9,000 members step beyond their institutional roles to engage in a campus-wide perspective. Through this lens, members examine the changes higher education must make—in both theory and practice—to ensure its effectiveness in a complex, interconnected world. AAHE concentrates its work within four fields of inquiry and action: learning about learning; partners in learning; assessing for learning; and organizing for learning. In each field, AAHE promotes praxis, the intersection of theory and practice. Each of these fields is fueled by research, projects, convenings, and publications, through which AAHE's members, other constituents, and staff members tackle issues that arise in a fast-changing higher education environment. The fields of inquiry allow AAHE and its members to explore both the depth and breadth of current core programmatic areas, and to address emerging trends. AAHE has a strong commitment to access and diversity. Part of its mission is to "advocate learning practices that help individuals and institutions benefit from diversity," by documenting and promoting multiple forms of scholarship and disseminating this body of knowledge on teaching and learning about diversity to a national and international audience.